Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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No. 87-450

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1987

MARIE BURTENSHAW, Petitioner

v.

A. A. FERRY, Respondent

BRIEF BY PETITIONER IN OPPOSITION TO RESPONDENT'S MOTION TO DISMISS/DENY HER PETITION FOR WRIT OF CERTIORARY TO THE SUPREME COURT OF THE STATE OF PENNSYLVANIA

MARIE BURTENSHAW, pro se
ONE FORREST LANE
STRAFFORD, PENNSYLVANIA 19087

QUESTIONS PRESENTED

1) Does a citizen of the United States have a constitutional right to demand a trial by jury? Can a judge of a lower court simply declare: no, there will not be a jury, despite a written petition and a verbal request by a petitioner?

2) Can the Supreme Court of a State deny a petition without giving a written opinion or state the reason why it is denied? Is Petitioner entitled to be informed of the names (and signatures) of the judges who read her petition, and why they decided against it?

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(Copy of docket,
Prothonotary's Office of
Monroe County Court House,
Stroudsburg, Pennsylvania,
is in the custody of the
Clerk of Court of the Supreme
Court of the United States,
Washington, D.C.)

OPINION

In his Motion to Dismiss counsel for Respondent uses the law as a vehicle to disqualify Petitioner. He is trying to convince that your Honorable Court has no jurisdiction in this case. But that is not so.

Petitioner again and again was denied her constitutional right for a fair trial. She is invoking the Fifth and Fourteenth Amendments. Scare tactics and threats have been employed trying to bring her to her knees. This case is of imperative public importance and justifies the attention of the highest court in the country. Millions of older people are affected who are deprived of their constitutional rights because they have no access to the law because of their limited resources. They are too handicapped to fight back when they

are swindled because nobody takes them serious anymore.

Petitioner's situation is a clear example of this fact. It is a clear case of disrespect for the law and violation of a citizen's constitutional right to be treated equally and with justice.

If Mr. Fisher had a clear-cut case on his hands and a clear conscience, why did he stoop to falsify documents?

He started out with filing a complaint after the deadline had expired.

He followed up with notarizing a document with his notary seal which had expired two years earlier.

He went on further by altering exhibits (now in the custody of the Clerk of Court) to cover up his activities. He conducted a case of vengeance for no other reason than to harass an elderly woman.

How can a man like that be trusted?

It is clear that he has engaged in conduct unbecoming any human being, but especially any member of the Bar of your Honorable Court, or any other Bar as well.

STATEMENT BY PETITIONER

The counterstatements made by counsel for Respondent are not only negligible, they are also false. Petitioner has avoided up to now to embellish on the court hearings. But for her own protection she must now do so.

Arbitration Hearing

This hearing was held on May 31, 1985, not on June 3, 1985, as described by counsel. It was not conducted as one would expect in a court of law. It was a free-for-all, a circus. There were two very young men, obviously obliged to go along with the chairman who is a friend of Mr. Fisher's. Respondent, (then plaintiff) alternately shook with hysterical laughter and incoherent stupor. His lawyer lounged nonchalently on a chair in the middle of the room, certain of victory. After an hour of arguing back and forth the chairman declared in favor of Mr. Fisher. There was

furor when Petitioner (then defendant) declared she would appeal the verdict. The chairman angrily demanded $300 (threehundred dollars) for one hour of what should have been an arbitration hearing.

These are the real and true happenings.

HEARING BEFORE JUDGE WILLIAMS

The hearing was in October 1985. Petitioner was on the road since 6 a.m. from her home in Strafford. Arriving at the Court House at 9 a.m., she found Judge Williams and lawyer Fisher in conference. She was told the hearing was postponed til 2 p.m., and there would be no jury trial. Petitioner had to spend four hours out in the street. Please note: she is in her seventies and was tired out from her ordeal.

Dejectedly, at 2 p.m. on this day of October 17th, 1985, she made another plea for settlement. It was refused. She was placed, in the empty court room, behind the back of

Mr. Fisher. He spoke in a low whisper. She could not see his face. When she complained, the Judge threatened her with contempt of Court. Throughout she was treated with contempt and hostility. When she finally was permitted to tell what really happened to her, she did so with accuracy. She felt that she made an impression, that she was believable. But the lawyer kept the upper hand .

The result is known. However, Judge Williams' decision only called for payment of $475 plus interest. No costs. Mr. Fisher arranged this later by having the Prothonotary sign a document he himself had prepared - not the court. There are undercurrents.

At this point, Respondent himself has no stake in this case anymore. It is clear that he would not pay for three years of litigation at one hundred dollars an hour. He knows that he swindled Petitioner and entered her property without her knowledge. He was found out. He should have removed the

merchandise when he was told. He was obstinate.

The deceit began with District Judge Clara Pope (who lately was indicted for a crime) by improperly withholding her verdict from Petitioner in the hope that an appeal would be too late. Then Mr. Fisher heard about this case through the Legal Aid Society. In order to prevent Petitioner from filing for non pros, he rushed his complaint to the Court. Because of his connections with the courthouse personnel his complaint was accepted. And so began 3 years of unbelievable harassment for Petitioner.

It is clear that Petitioner's constitutional rights have been violated. Counsel did not provide your Honorable Court with the decision of Judge Vican who was aware of it. Petitioner hopes that Supreme Court of the United States will finally give her the satisfaction of being treated as a first class citizen such as she has been all her life.

CONCLUSION

In view of the foregoing, Petitioner respectfully reiterates her Appeal to your Honorable Court to grant her redress for the years of anxiety and harassment she was subjected to.

Respectfully submitted,

Marie Burtenshaw

Marie Burtenshaw
One Forrest Lane
Strafford, Pennsylvania 19087

October 21, 1987

CERTIFICATE OF SERVICE

I, MARIE BURTENSHAW, hereby certify that on October 21, 1987, I served three true and correct copies of the foregoing Brief in Opposition to Respondent's demand for dismissal of her Petition for Writ of Certiorary, to Timothy Fisher, Lawyer, P.O. Box 531, Mt. Pocono, Pennsylvania 18344 by depositing these copies in the United States Mail, postage prepaid.

October 21, 1987

Marie Burtenshaw
One Forrest Lane
Strafford,
Pennsylvania 19087

Sworn to and subscribed before me this 21st day of October, 1987

BARTON W. BALLENGER, Notary Public
Lower Merion Twp., Montg. County, Pa.
My Commission Expires June 21, 1991

BEST AVAILABLE COPY

APPENDIX A

(Copy of docket, Prothonotary's Office of Monroe County court house, Stroudsburg, Pennsylvania, is in the custody of the Clerk of Court at the Supreme Court of the United States in Washington, D.C.)